

Houston Planning Commission

Neighborhood Preservation Subcommittee Meeting

Tuesday, September 05, 2006

Summary

Attendance:

Kay Crooker, Roger Farrow, Tom Dornbusch, Mary Vargo, Mark Sterling, Jane Cahill, BJ Walter, Ernesto Maldonado, Steve Parker, Tommy Friedlander, Ramona Davis, Reid Wilson, Staff: Mina Gerall, Leah Hayes, Guests: Sonny Garza, Adam Ashmann.

Handouts:

- Neighborhood Character Matrix
- Setbacks/Lot Coverage Information
- Prevailing Lot Size and Building Line Ordinances
- Definitions of Neighborhood and Character
- Minutes from 8/29/06 meeting

Information Items:

The Subcommittee will meet once a week through October 10. Meeting times will alternate each week between 4-5:30 and 6-7:30. **Next week's meeting will begin at 4 pm.**

New Subcommittee member, Roger Farrow is an inner-city custom homebuilder and joined the Subcommittee as a result of last week's discussion about the need for more representation from the residential development community.

Leah Hayes provided a recap of the recent Sunset Heights legal opinion regarding the Prevailing Lot Size (PLS) ordinance and explained the difference between 'lots' and 'tracts.'

The definitions of lots and tracts found in Chapter 42, cannot be easily redefined or changed in order to meet the intent of the PLS ordinance because they are specifically throughout the City's Codes and in State law.

In response to questions, Leah also answered that any PLS ordinances already approved are noted in the permitting system, so that anyone seeking a permit or replat would be required to abide by the established minimum lot size. However, a developer would always have the right to challenge the ordinance in light of the Sunset Heights decision. The PLS ordinance only applies if there are no deed restrictions in place that address lot size. Only property owners, not tenants, may protest an application, and they do not have to live on the property in order to do so. The PLS and PBL (prevailing building line) ordinances apply only in the 'urban area' which is the area inside Loop 610.

Discussion Items:

Lot Coverage. There was some confusion as to whether the Subcommittee agreed last week to adopt the recommended performance criteria of 60% (rather than 75%) of the most frequently occurring front, side, and rear building lines.

Staff ran test cases on how to best determine the prevailing rear and side setbacks in order to determine lot coverage, and found that accurate information is not readily available through sources such as HCAD records and aerial photos. Because of the difficulty in obtaining reliable measurements, staff is recommending considering different approaches altogether. For example, when historic preservation staff evaluate proposals, they look more towards 'compatibility,' such as porches, front door orientation, garage placement/location of parking, and length, height, and width of buildings (massing elements). Staff suggested that the Subcommittee explore similar ideas for preserving character that are not dependent on precise measurements.

Most members felt that there must be some way to accurately determine setbacks for existing houses. Leah stated that staff does not have the right to go onto private property to measure side and rear setbacks without the consent of the property owner. Staff may have consent from the owners who are participating in an application, but rarely, if ever, does the city receive an application in which 100% of the property owners have signed on.

The Subcommittee discussed whether the city could be granted the authority to enter private property to obtain accurate measurements based on reasons of "health, safety, and welfare." Leah was asked to go to the Legal Dept for an opinion and to report back to the group at next week's meeting.

Although applications include information (measurements) made by applicants, staff verifies those measurements if application is being protested. Staff experience is that information provided by applicants is often inaccurate. Leah was asked whether the city has enough staff to do all this measuring. She responded that the department would 'staff up' if necessary.

Sonny Garza recommended changing the application paperwork, so that when prospective applicants are walking their neighborhood signing up owners, they have a form they can use that will explicitly provide consent to enter when signed by the property owner.

Several additional concerns were raised regarding lot coverage including: using setbacks, impervious surfaces, limiting ability to build out, etc.

The Subcommittee was reminded that the talk about lot coverage and setbacks is really about addressing 'massing' of structures, not permeability, which is being handled by two other subcommittees and that the problem isn't additions, it's new monster houses and townhouses and driving long time lower income residents out.. historical aspects of a neighborhood.

In older neighborhoods, the typical development pattern is to have garages in the rear, so that along a street you have a house, then a driveway, then a house, then a driveway, and so on. Because of the driveways, houses are separated by more distance than would be reflected by a minimum setback requirement alone. When a lot is redeveloped with a new structure with a front-loading garage, the structure typically spans the entire width of the lot, which changes the streetscape. Limiting lot coverage or footprint size would not necessarily solve this problem.

Ramona Davis noted that in applying the Historic Preservation ordinance, it only matters what is visible from the street. If an addition can't be seen from the street, the owners can do what they want.

As inner city neighborhoods redevelop, either get very large expensive houses will be built on lots of the 'prevailing' size, or smaller, more economical, attached units will be built on lots smaller than the prevailing size. In fact, one of the problems with the PLS ordinance is that it encourages overbuilding – a minimum lot size is established but there are no controls on the size of the structure that gets built on it. What neighborhoods really need are more tools that address the size/massing of structures.

Steve Parker added that the percentage of lots we're actually talking about is small, maybe 10% of the inner loop at the most, so that even if some neighborhoods want restrictions in place, there is still plenty of area in the city left over for growth.

Definition of Neighborhood: The general consensus was that a neighborhood should be organic and defined by its residents, even if it's only one blockface in size, which is the minimum size allowed by the PLS and PBL ordinances. However, some Subcommittee members are still concerned that having a designated area as small as one blockface is a problem because one street could be all old homes and the next street could be all new. Committee wants to revisit this discussion.

Enforcement: Although the city attempts to flag all properties with restrictions in its databases, these restrictions are often not caught and permits are frequently issued that are in violation of deed restrictions in particular. Furthermore, a replat effectively erases any prior deed restrictions.

Next Steps: 9/8/2006

Leah recommended that it would speed things up to have information distributed electronically to Subcommittee members during the week to give them time to read and digest it beforehand. Information about the other Planning Commission subcommittees will also be distributed to members.

- Continue to explore concept of neighborhood and discuss Matrix suggestions
- Leah will report back on whether staff can get authorization to enter private property to measure setbacks.